

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

---

**DATE:** May 14, 2019  
**TO:** Adam J. Teitzman, Commission Clerk, Office of Commission Clerk  
**FROM:** Samantha Cibula, Office of the General Counsel *SMC.*  
**RE:** Docket No. 19991651-PU

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Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC  
2019 MAY 14 PM 2: 26  
COMMISSION  
CLERK

WIGGINS & VILLACORTA, P.A.

ATTORNEYS AT LAW

POST OFFICE DRAWER 1657  
TALLAHASSEE, FLORIDA 32302

2145 DELTA BOULEVARD, SUITE 200  
TALLAHASSEE, FLORIDA 32303

TELEPHONE (850) 385-6007  
FACSIMILE (850) 385-6008  
INTERNET: wiggvill@nettally.com

February 2, 2000

Ms. Martha Brown  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Docket No. 991651-PU  
Revision of Rule 25-22.032, F.A.C., Customer Complaints

RECEIVED  
00 FEB -4 AM 10 47  
FLORIDA PUBLIC SERVICE COMMISSION  
DIVISION OF APPEALS

Dear Martha:

I am writing to confirm the information Intermedia compiled concerning the time required to resolve the complaints of its Florida customers in the period of October through December 1999, which I offered orally at the workshop last Thursday. All of these complaints were referrals from the Commission staff.

For the purposes of its survey, Intermedia classified these complaints as either "billing" complaints or "service" complaints. It found that 70% of the billing complaints had been resolved in 1 to 15 days and the remainder in 30 days or less. It found that 50% of the service complaints had been resolved in 1 to 10 days and the remainder in 30 days or less. It is my understanding that the customer was not displeased in any of these cases with the progress of the resolution.

I offered this information in support of Intermedia's contention that a significant number of complaints, especially those arising from business customers, cannot be resolved within 3 days or 5 days – or even 30 days. Yet, in such cases, it does not necessarily follow that the customer is displeased about a lack of progress. We have spoken out about the need to credit a company that is carrying out a good faith effort to resolve a customer's problem but needs in any given case (for lots of reasons, some beyond its control) more time than the warm transfer 3 day period or the present 15 day response period. We feel that companies that conduct themselves constructively in these matters should not have blemishes placed on their records. Moreover, where competitive options exist, companies that do not act constructively in these matters will simply lose customers as a result and become unviable.

Sincerely,



Charles J. Pellegrini  
Attorney for Intermedia Communications Inc.

WIGGINS & VILLACORTA, P.A.

ATTORNEYS AT LAW

POST OFFICE DRAWER 1657  
TALLAHASSEE, FLORIDA 32302

2145 DELTA BOULEVARD, SUITE 200  
TALLAHASSEE, FLORIDA 32303

TELEPHONE (850) 385-6007  
FACSIMILE (850) 385-6008  
INTERNET: wiggvill@nettally.com

January 20, 2000

Ms. Martha Brown  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Docket No. 991651-PU  
Revision of Rule 25-22.032, F.A.C., Customer Complaints

RECEIVED  
00 JAN 24 AM 9:57  
FLORIDA PUBLIC SERVICE COMM.  
DIVISION OF APPEALS

Dear Martha:

With apologies for submitting these comments past the due date, Intermedia Communications Inc. offers that:

- (1) The complaint resolution time of three days set forth in proposed Rule 25-22.032(3), F.A.C., is too short to permit the utility to respond to and investigate many customer complaints effectively. Instead, Intermedia advocates a time of five days for this purpose, and suggests that the longer period is in the interest of consumers since it should result in the satisfactory resolution of more complaints before escalation is required.
- (2) Intermedia has an activated warm transfer process, pursuant to proposed Rule 25-22.032(2), F.A.C.
- (3) Intermedia supports the requirement of proposed Rule 25-22.032(3), F.A.C., that records relating to complaints be retained for three years.

Intermedia hopes that these comments are helpful to the Commission's task.

Yours truly,

  
Charles J. Pellegrini

**HOPPING GREEN SAMS & SMITH**

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET  
POST OFFICE BOX 6526  
TALLAHASSEE, FLORIDA 32314

(850) 222-7500

FAX (850) 224-8551

FAX (850) 425-3415

Writer's Direct Dial No.  
(904) 425-2313

August 21, 1998

JAMES S. ALVES  
BRIAN H. BIBEAU  
KATHLEEN BLIZZARD  
RICHARD S. BRIGHTMAN  
KEVIN B. COVINGTON  
PETER C. CUNNINGHAM  
RALPH A. DeMEO  
THOMAS M. DeROSE  
RANDOLPH M. GIDDINGS  
WILLIAM H. GREEN  
KIMBERLY A. GRIPPA  
WADE L. HOPPING  
GARY K. HUNTER, JR.  
JONATHAN T. JOHNSON  
ROBERT A. MANNING  
FRANK E. MATTHEWS  
RICHARD D. MELSON

ANGELA R. MORRISON  
GABRIEL E. NIETO  
GARY V. PERKO  
MICHAEL P. PETROVICH  
DAVID L. POWELL  
WILLIAM D. PRESTON  
CAROLYN S. RAEPPLE  
DOUGLAS S. ROBERTS  
GARY P. SAMS  
TIMOTHY G. SCHOENWALDER  
ROBERT P. SMITH  
CHERYL G. STUART  
W. STEVE SYKES  
T. KENT WETHERELL, II

OF COUNSEL  
ELIZABETH C. BOWMAN

**BY HAND DELIVERY**

Diana Caldwell  
Division of Appeals  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: MCI Comments on Customer Complaint Rule

Dear Diana:

Enclosed are five copies of MCI's comments in response to the July 31, 1998 workshop on potential customer service complaint rules.

Please see that these comments are distributed to the appropriate members of the staff.

Very truly yours,



Richard D. Melson

RDM/mee  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Proposed Amendments to Rules )  
25-4.111, FAC, Customer Complaints )  
and Service Requests; 25-6.094, )  
FAC, Complaints and Service Requests; )  
25-7.080, FAC, Complaints-Service )  
Requests; 25-22.032, FAC Customer )  
Complaints; 25-30.355 Complaints )

**RULE DEVELOPMENT WORKSHOP  
COMMENTS AND PROPOSALS OF  
MCI TELECOMMUNICATIONS CORPORATION**

**Introduction**

On July 31, 1998, the Florida Public Service Commission held a workshop to discuss its customer service complaint rules for the various regulated utilities, including telecommunications service providers in Florida. MCI Telecommunications Corporation (MCI) attended and participated in the workshop. At the close of the workshop session dealing with telecommunications service customer complaint rules, the parties were invited to file comments and any proposals by August 21, 1998. MCI herein files its Comments and Proposals relating to telecommunications service providers and customer complaints and service requests.

During the course of the workshop, several issues were identified both by staff and by the telecommunications carriers as warranting discussion and possibly changes. Specifically, carriers were asked to comment on ensuring how the staff can communicate sufficient information to the carriers in order for complaints to be researched and resolved, defining the process to enable carriers to obtain weekly reports of how complaints were closed out, ensuring the appropriate carrier representatives are aware of and research complaints, eliminating duplicative complaints, clarifying the 15 day complaint response time, considering the proposed 72 hour "safe harbor" provision, consideration of a checklist for resolution of response letters to complaints, determining how to notify carriers of the outcome of complaints, and any proposed amendments to 25-4.111 and 25-4.032. MCI comments on the issues that are relevant to its operations and reserves the right to provide further comments on other issues at the appropriate time.

**Specific Issues**

**Electronic Transmission of Complaints**

During the workshop, Staff announced it had been conducting an experiment using electronic messaging through the Internet with two carriers to transmit complaints

to carriers and to receive responses from the carriers. According to Staff, this is working well and Staff encouraged other carriers to contact the Commission to set up similar means of communications. MCI applauds the Commission's efforts to use electronic messaging (email) to communicate with carriers. This is an excellent idea and will enhance communications between the Commission and carriers and have the additional benefit of ensuring faster response times to consumer complaints. Additionally, as discussed below, other benefits involving notification of other points of contact can be handled easily through the use of email. MCI supports this effort.

### **72 Hour Safe Harbor**

During the course of the workshop, Staff introduced a proposal to give carriers an incentive to respond more expeditiously to complaints and ensure consumer complaints are resolved quickly and satisfactorily. While a specific proposal was not offered during the workshop, the gist of the proposal is that when a customer complaint is filed with the Commission against a carrier or its practices, the carrier may avoid the consumer complaint being classified as a "complaint" against the carrier, if the carrier resolves the complaint within 72 hours of the complaint being filed. MCI sees some positive benefits associated with the proposal, as well as some potential issues that need clarification.

MCI agrees that consumer complaints should be handled as expeditiously as possible. With the Commission Staff moving to a process which will send consumer complaints and information electronically to carriers, complaints can be handled more expeditiously than they are today. However, there are some types of complaints where the research and investigation required may take longer than 72 hours to accomplish. Specifically, an unauthorized provider change ("slamming") complaint may require the procurement of data related to the verification of the consumer's consent that may take longer than 72 hours to retrieve (either data, audio recording or letter of authorization (LOA)), even though the carrier would be able to determine that the sale was verified, but would lack the detail. MCI questions whether larger carriers, marketing on a national scale might be unintentionally discriminated against by the 72 hour requirement. Larger carriers may not ever be able to meet the 72 hour requirement, while smaller carriers could change consumers without their consent with impunity as long as they "satisfied" the consumer.<sup>1</sup> Additionally, the actual billing credit or rerating of the consumer's billing will take longer than 72 hours to effect. In fact, it may take up to 45 days, depending on the consumer's billing cycle, to have the customer's bill adjusted even though the carrier could agree to adjust the customer's bill within the 72 hour timeframe.

MCI submits that depending on the type of consumer complaint, the "safe-harbor" period should be adjusted to recognize the research or investigation constraints inherent in the type of consumer complaint filed. Alternatively, if the type of complaint is one which requires additional research or "evidence," or requires some sort of billing

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<sup>1</sup> Staff did not reveal what the standard for customer "satisfaction" would be under the proposal. MCI questions whether in the case of an unauthorized carrier change if changing the consumer back to his carrier of choice and agreeing to providing the appropriate rerate and payment of any PIC change fee, is "satisfaction" or if it is something less than that as long as the customer has no more issues.

adjustment to finally resolve the consumer's concern, that additional evidence and /or billing adjustment could be provided later, as long as the consumer's complaint was addressed and initial corrective action was initiated within 72 hours.

## **Consumer Complaints**

### **Point of contact**

Several issues arose during the workshop involving the handling of consumer complaints by both the Commission Staff and the carriers. Staff advised of having repeated problems with carriers not responding within the 15-day response time, or providing an inadequate response that does not address all the issues. Several carriers, including MCI, stated they often times needed more information from the staff than what was initially provided. Additionally, while Consumer Affairs has a process in place for contacting each carrier's point of contact for complaint handling, the Communications Division of the staff has a different point of contact for carriers for complaint handling purposes.

Each Division has its reasons for sending complaints to different points of contacts. Several of the carriers, however, indicated that valuable response time may be wasted if the complaint is not sent to the carrier's point of contact who is charged with and has the capabilities and resources available to them to investigate and research customer complaints.

MCI submits that the move to electronic transmission of complaints from the Commission to carriers can help address this problem. With electronic transmissions, several parties could be copied on the electronic mail message. The Commission staff could send the complaint information directly to the carrier's point of contact who handles, researches and investigates consumer complaints. If another carrier contact person, such as the regulatory attorney in charge of Florida for their respective company needs to be aware of the complaint or needs to intervene for whatever reason, the email would give them that necessary information. This would satisfy the Commission staff's need to get the information quickly into the hands of the carrier POC who has the tools to research, investigate and resolve complaints, notifies the responsible regulatory POC of the issue and assists the Commission in obtaining a speedy resolution for the consumer.

### **15 day response time**

A review of 25-4.111 is necessary to determine what is the carrier's duty to respond and the time limits imposed on that response. According to the rule, the carrier has an obligation to make a full and prompt investigation of all complaints and "respond to the initiating party within fifteen (15) days." The rule does not require that the complaint be resolved or that the investigation be completed within 15 days, just that a "response" is due within 15 days of the complaint being received by the carrier. The general practice has been, however, to attempt to resolve complaints as quickly as possible within 15 days.

While carriers, including MCI, endeavor to complete their research and provide a complete response regarding a complaint within 15 days, sometimes the circumstances of the complaint or other events require additional time before a complete and full response can be given to the Commission staff or the consumer. In such cases, MCI proposes that carriers be allowed to request an extension on a case-by-case basis of no more than 15 days. Additionally, the request for an extension of time should be made on or before the response is due, not after it is already late. Should there be extenuating circumstances that require a greater amount of time, the carrier should advise the Commission Staff about the circumstances in order to work out an appropriate response time that meets the needs of the consumer, the Commission Staff and recognizes the carrier's circumstances.

### **Adequacy of response**

MCI is aware that sometimes, the information sent by the Commission may be less than complete in order for a full and prompt investigation to be conducted within the 15 day response time. So that both the Commission and the carrier may promptly assist the consumer and resolve the issue as quickly as possible, MCI suggests that the Commission ensure it has the necessary information to pass on to the carrier. The Commission staff many times has the consumer on the phone and can obtain more detailed information by asking a few follow-up questions. This is especially important for unauthorized provider change complaints, but is equally applicable to other types of complaints.

MCI proposes that when staff has the opportunity to get more detailed information from the consumer, they should endeavor to do so. This can be done for complaints that are called in, as well as complaints that may be submitted on the Commission's web site and the Commission can also educate consumers through its public information releases to include the details of their complaints.

The Commission staff should obtain the specific issue that the customer's complaint concerns. For example, merely identifying a billing "problem" is insufficient for the carrier to readily research. Is there a question about a particular item listed on the customer's telephone bill, is there a question about the amount of a charge or is the complaint actually about another issue and the consumer has not articulated the real issue? This information could be readily obtained by the staff representative while the consumer is on the telephone, included in the information on the Commission's web site and included in consumer educational materials provided to consumers by the Commission.

Additionally, for unauthorized provider change complaints, it would help carriers research and respond more expeditiously if the Commission Staff obtained information from the consumer, including all the telephone numbers that were switched in the transaction. It would be helpful in determining the appropriate rerate for any charges if the Commission could obtain information from the consumer relating to the particular plan or rate to which the consumer subscribed with his previous carrier.

Having more detail initially will help the carrier in researching the complaint and responding in a timely and adequate manner. The adequacy of the response, however, should be sufficient for the Commission staff to have all the relevant facts and should include the carrier's position, the rule or statute the carrier relies upon for its position and how it will resolve the issue.

MCI proposes, depending on the type of complaint, the Commission and the industry develop an appropriate checklist of items that should be included in the carrier's response that would be satisfactory. Both the Commission staff and the carriers need to come to an agreement on an objective basis as to what is an "adequate" response.

### **Closing out complaints/determining infractions**

There was some discussion at the workshop regarding the issue of how to handle complaints where staff disagrees with the position of the carrier and classifies a complaint as an "infraction." As MCI has experienced the scenario, after an investigation, MCI sends its response to the staff; the staff has a different interpretation or disagrees with MCI's interpretation of the rule or facts, and as a matter of course, classifies the complaint as an "infraction." The staff then notifies the consumer of the infraction and includes the "infraction" in its Consumer Activity Report.

MCI is aware of the Commission staff's practice of labeling a complaint an "infraction" in its weekly report and allowing carriers to contact the individual representative handling the complaint and rebut the staff's interpretation. While this is a good process for ultimately accurately noting "infractions" for record keeping purposes, it does not prevent the Commission staff from issuing a letter to the consumer which indicates that the carrier has committed a rule "infraction." MCI believes that it is damaging to our reputation and negatively impacts the complaint resolution process should a letter from the Commission staff to the consumer indicate a violation has occurred, only later to be retracted.

MCI proposes that the carrier should have the opportunity to be advised of staff's differing interpretation or position prior to the consumer being notified or the matter being classified in any report regarding infractions. The carrier should have an opportunity to respond to the staff before the consumer gets the information and the Commission Staff's weekly or monthly Consumer Activity Report is issued. This would give the carrier an opportunity to reassess its position and consider a different course of action. Ultimately, the consumer is better served by having the complaint resolved by agreement rather than in an adversarial or contentious manner.

### **Conclusion**

MCI believes that the Commission's complaint process should strive to fairly serve the consumer and resolve complaints in as expeditious a manner as possible, while

at the same time, giving carriers the opportunity to provide the relevant facts and have the opportunity to respond to disagreements. MCI's comments and proposals are intended to address that goal. MCI looks forward to further opportunities to make suggestions to refine and improve the Commission's complaint process.

RESPECTFULLY SUBMITTED this 21st day of August, 1998.

HOPPING GREEN SAMS & SMITH, P.A.

By:  \_\_\_\_\_

Richard D. Melson  
P.O. Box 6526  
Tallahassee, FL 32314  
(850) 425-2313

and

MARSHA WARD  
MCI Telecommunications Corporation  
780 Johnson Ferry Road, Suite 700  
Atlanta, GA 30346  
(404) 267-5789



August 21, 1998

Ms. Dianna Caldwell  
Division of Appeals  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Re: Comments on Rule Development Workshop - Customer Complaints

Dear Ms. Caldwell:

Thank you for the opportunity to provide comments on the workshop held July 31, 1998 regarding the customer complaint process. Florida Power & Light supports the initiatives discussed at the workshop and has attached feedback on (1) draft proposed changes to the Florida Administrative Code (2) the proposed 72 hour process, and (3) a draft letter to send to customers prior to an informal conference.

As requested, Florida Power & Light has reviewed the FPSC web site and feels it very adequately covers the information needed to respond to inquiries for those customers who choose to file a complaint via the internet.

Lastly, Florida Power & Light suggests a three month pilot prior to amending the rule to allow time to identify any areas of concern that may not have been covered in the workshop series.

Thank you again for the opportunity to provide comments. If you have any questions, please feel free to contact me at (305) 552-4602.

Sincerely,

A handwritten signature in blue ink that reads "Roseanne Lucas" with "for" written below it.

Roseanne Lucas  
Regulatory Affairs Analyst

cc: Bev DeMello

**RULE DEVELOPMENT  
WORKSHOP  
JULY 31, 1998  
FEEDBACK**



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**In reviewing the F.A.C. (25-6.094) which applies to electric utilities we are not bound by stated timeframes; therefore, no changes are required.**

**Based on Practices and Procedures (25-22.032) the following changes are recommended:**

(1) Any customer of a utility regulated by this Commission may file a complaint with the Division of Consumer Affairs whenever he has an unresolved dispute with the utility regarding his electric, gas, telephone, water, or wastewater service. The complaint may be communicated orally or in writing. Upon receipt of the complaint a staff member designated by the Director of the Division shall notify the utility of the complaint and request a response. The response should indicate a statement of resolution and explain the utility's actions in the disputed matter and the extent to which those actions were consistent with the utility's tariffs and procedures, applicable state laws, and Commission rules, regulations, and orders as required.

(2) The designated staff member shall investigate the complaint and attempt to resolve the dispute informally. To that end, the staff member may request the parties to provide copies of bills, billing statements, field reports, written documents, or other information in their possession which may be necessary to resolve the dispute. The staff member may perform such tests, on-site inspections, and reviews of utility records as he considers appropriate and may request the utility to collect data and to perform tests which are necessary to aid in the resolution of the dispute.

(3) As soon as possible the staff member shall propose a resolution of the complaint based on his findings, applicable state laws, the utility's tariffs, and Commission rules, regulations, and orders. The proposed resolution may be communicated to the parties orally or in writing. Upon request, either party shall be entitled to a written copy of the proposed resolution, which shall be delivered by first-class mail.

(4) If a party objects to the proposed resolution, he may file a request for an informal conference on the complaint. The request shall be in writing and should be filed with the Division of Consumer Affairs within 30 days after the proposed resolution is mailed or personally communicated to the parties. Upon receipt of the request the Director of the Division may require mediation, appoint a staff member to conduct the informal conference or the Director may make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis for relief under the Florida Statutes, Commission rules or orders, or the applicable tariffs. If mediation does not result in resolution and a conference is granted the appointed staff member shall have had no prior contact with the complaint. After consulting with the parties, the appointed staff member shall issue a written notice to the parties setting forth the procedures to be employed, the dates by which written materials are to be filed, and the time and place for the informal conference, which shall be held in the service area, or such other convenient location to which the parties agree, no sooner than 10 days following the notice.

# **CURRENT INQUIRY HANDLING** **PROCESS**

## **WARM TRANSFER INQUIRY:**

- CUSTOMERS HAVE NOT PREVIOUSLY CONTACTED THE UTILITY
- CALLS ARE TRANSFERRED VIA 1-800 LINE
- CUSTOMER INFORMATION IS NOT ENTERED INTO C.A.T.S
- NO RESPONSE REQUIRED

## **WRITTEN COURTESY INQUIRY:**

- CUSTOMERS HAVE HAD PREVIOUS CONTACT WITH THE UTILITY
- CUSTOMER'S CONCERN IS NOT A POSSIBLE CODE, TARIFF OR COMPANY POLICY VIOLATION
- CUSTOMER INFORMATION IS ENTERED INTO C.A.T.S AND ASSIGNED A NUMBER WITH AN ENDING SUFFIX OF L OR R.
- WRITTEN REPORT IS REQUIRED WITHIN 15 DAYS

## **LOGGED INQUIRY:**

- CUSTOMERS HAVE HAD PREVIOUS CONTACT WITH THE UTILITY
- POSSIBLE CODE OR RULE VIOLATION
- CUSTOMER INFORMATION IS ENTERED INTO C.A.T.S AND ASSIGNED A NUMBER WITH AN ENDING SUFFIX OF I .
- WRITTEN REPORT IS REQUIRED WITHIN 15 DAYS
- SELF REPORTING ON COMPLIANCE TO CODES, TARIFF OR COMPANY POLICY.

**PROPOSED GUIDELINES FOR 72 HOUR  
RESPONSE TIME PROCESS  
( 3 ) BUSINESS DAY TURN-AROUND**

~ Customer inquiries received between 8 A.M. and 12:00 P.M. (noon) will be processed as being received that same business day. (e.g. an inquiry received Monday before noon, becomes due on Wednesday.) Customer inquiries received after 12:00 P.M. (noon) will be processed as being received the next business day. (e.g. an inquiry received after 12:00 P.M. (noon) on Monday, becomes due on Thursday.

~ All Customer Inquiries received by the FPSC, including those referred to the Division of Electric & Gas, will be considered subject to the 72 hour resolution period.

~ Customer Inquiries responded to in the 3 day time frame, indicating the customer's satisfaction with the utility's **resolution or \*proposed resolution**, are not subject to a written response or self reporting of compliance with the F.A.C., the Utility's tariff or Company policies.

~ Customer inquiries not responded to in 3 business days automatically require a written response due (12 days later) or 15 days from the initial date of receipt.

~ If a customer re-contacts the FPSC indicating dissatisfaction with the same issue previously reported as resolved, then the concern is forwarded directly to the utility either as a written/verbal courtesy call or a logged inquiry, as applicable, and a written report is due within 15 days.

**\*PROPOSED RESOLUTION:** AN INQUIRY WILL BE CONSIDERED RESOLVED WHEN THE UTILITY PROVIDES THE CUSTOMER WITH A PROPOSED ACTION PLAN, WHICH INCLUDES A SPECIFIED TIME FRAME FOR COMPLETION, AND THE CUSTOMER IS IN AGREEMENT/SATISFIED WITH THE PROPOSED ACTION PLAN.

# **PROPOSED INQUIRY HANDLING PROCESS**

## **WARM TRANSFER INQUIRY:**

- CUSTOMER HAS NOT PREVIOUSLY CONTACTED THE UTILITY
- CALLS ARE TRANSFERRED VIA 1-800 LINE
- NO RESPONSE REQUIRED
- CUSTOMER INFORMATION IS NOT ENTERED INTO C.A.T.S

## **72 HOUR RESPONSE TIME PROCESS:**

### **POSSIBLE CODE OR RULE VIOLATION**

- CUSTOMER HAS HAD PREVIOUS CONTACT WITH THE UTILITY
- POSSIBLE CODE OR RULE VIOLATION
- CUSTOMER'S INFORMATION IS ENTERED INTO C.A.T.S AS A LOGGED INQUIRY AND ASSIGNED A NUMBER WITH AN ENDING SUFFIX OF I
- UTILITY HAS 3 BUSINESS DAYS TO RESPOND TO THE FPSC WITH A STATEMENT INDICATING **CUSTOMER'S SATISFACTION WITH RESOLUTION**
- *IF* RESOLVED THE INQUIRY IS CLOSED WITH A CODE THAT WILL IDENTIFY IT AS A 72 HOUR INQUIRY. (E & G IS NOTIFIED AS APPLICABLE)
- CLOSE-OUT CARD OR LETTER IS SENT TO THE CUSTOMER

**NOT A POSSIBLE CODE OR RULE VIOLATION**

- CUSTOMER HAS HAD PREVIOUS CONTACT WITH THE UTILITY
- NOT A POSSIBLE CODE OR RULE VIOLATION
- CUSTOMER'S INFORMATION IS ENTERED INTO C.A.T.S AS A WRITTEN COURTESY INQUIRY AND ASSIGNED A NUMBER WITH AN ENDING SUFFIX OF L OR R.
- UTILITY HAS 3 BUSINESS DAYS TO RESPOND TO THE FPSC WITH A STATEMENT INDICATING **CUSTOMER'S SATISFACTION WITH RESOLUTION**
- *IF* RESOLVED THE INQUIRY IS CLOSED WITH A CODE THAT WILL IDENTIFY IT AS A 72 HOUR INQUIRY. (E & G IS NOTIFIED AS APPLICABLE)
- CLOSE OUT CARD OR LETTER IS SENT TO THE CUSTOMER

**INQUIRIES NOT MEETING 72 HOUR RESPONSE TIME PROCESS:**

**NOT A POSSIBLE CODE OR RULE VIOLATION**

- WRITTEN COURTESY INQUIRIES NOT RESPONDED TO IN 3 BUSINESS DAYS, REMAIN OPEN AND A REPORT BECOMES DUE 15 DAYS FROM THE INITIAL DATE OF RECEIPT (RESPONSE TO E&G AS APPLICABLE)
- INQUIRY IS CLOSED AND CUSTOMER CONTACTED

CONT'D

**INQUIRIES NOT MEETING 72 HOUR RESPONSE  
TIME PROCESS:**

**POSSIBLE CODE OR RULE VIOLATION**

- **LOGGED INQUIRIES NOT RESPONDED TO IN 3 BUSINESS DAYS  
REMAIN OPEN AND A REPORT BECOMES DUE 15 DAYS FROM THE  
INITIAL DATE OF RECEIPT (RESPONSE TO E & G AS APPLICABLE)**
- **REPORTS ARE SUBJECT TO SELF REPORTING ON COMPLIANCE  
WITH THE F.A.C., UTILITY'S TARIFF AND COMPANY POLICY**
- **INQUIRY IS CLOSED AND CUSTOMER CONTACTED**
- **IF THE INQUIRY IS CITED AS AN INFRACTION OF THE F.A.C., THE  
UTILITY'S TARIFF OR COMPANY POLICY, AND THE WRITTEN  
REPORT DOES NOT REFLECT AN INFRACTION, THE UTILITY IS  
NOTIFIED, AT THE TIME OF CLOSURE.**

**ROUGH DRAFT**

**INFORMAL CONFERENCE FORM LETTER TO CUSTOMER**

**DEAR CUSTOMER:**

**YOUR REQUEST FOR AN INFORMAL CONFERENCE HAS BEEN RECEIVED. THE REQUEST IS IN THE PROCESS OF BEING REVIEWED BY THE FPSC'S DIRECTOR OF THE DIVISION OF CONSUMER AFFAIRS.**

**IN AN EFFORT TO HELP IDENTIFY ALL AREAS OF CONCERN THAT REMAIN UNRESOLVED, WE ARE REQUESTING THAT YOU PROVIDE A SUMMARY OF YOUR CONCERNS AND POSSIBLE METHODS OF RESOLUTION TO THE DIRECTOR BY \_\_\_\_\_**  
**\_\_\_\_\_. ENCLOSED IS A FORM WHICH YOU MAY USE TO PROVIDE THIS INFORMATION.**

**ONCE THIS INFORMATION IS RECEIVED AND REVIEWED, IT WILL BE FORWARDED TO THE PROPER UTILITY FOR REVIEW AND COMMENT. HOPEFULLY, BY OUTLINING AND UNDERSTANDING THE AREAS OF CONCERN THAT REMAIN UNRESOLVED FOR BOTH PARTIES INVOLVED, AN AMICABLE RESOLUTION MAY BE REACHED.**

**UPON COMPLETION OF THE REVIEW, THE DIRECTOR MAY:**

- 1. REQUIRE MEDIATION;**
- 2. APPOINT A STAFF MEMBER TO CONDUCT AN INFORMAL CONFERENCE; OR**
- 3. MAKE A RECOMMENDATION TO THE COMMISSION FOR DISMISSAL, BASED ON A FINDING THAT THE COMPLAINT STATES NO BASIS FOR RELIEF UNDER THE APPLICABLE FLORIDA STATUTES, COMMISSION RULES OR ORDERS, OR THE APPLICABLE TARIFFS.**

**IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT US AT (800) 342-3552.**

**CUSTOMER NAME** \_\_\_\_\_

**CUSTOMER CONTACT PHONE NUMBER** \_\_\_\_\_

**CUSTOMER INQUIRY #** \_\_\_\_\_

**PLEASE STATE AREA(S) OF CONCERN YOU FEEL REMAIN**

**UNRESOLVED WITH THE UTILITY** \_\_\_\_\_

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**PLEASE STATE WHAT YOU FEEL WOULD BE AN AMICABLE**

**RESOLUTION TO THIS/THESE CONCERNS** \_\_\_\_\_

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Kimberly Caswell  
Counsel

**GTE SERVICE CORPORATION**  
One Tampa City Center  
201 North Franklin Street (33602)  
Post Office Box 110, FLTC0007  
Tampa, Florida 33601-0110  
813-483-2606  
813-204-8870 (Facsimile)

April 17, 2000

Ms. Ann Cole, Clerk  
State of Florida  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

Re: GTE Florida Incorporated v. Florida Public Service Commission -  
Case No. 99-5368RP; BellSouth Telecommunications Inc. v. Florida Public  
Service Commission - Case No. 99-5369RP

Dear Ms. Cole:

Please find enclosed an original and one copy of GTE Florida Incorporated's Motion for Protective Order for filing in the above matters. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this matter, please contact me at (813) 483-2617.

Sincerely,

Kimberly Caswell

KC:tas  
Enclosures

A part of GTE Corporation

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FLORIDA PUBLIC SERVICE COM. DIVISION OF APPEALS



information. Some of the information disclosed by Ms. Martin is, in addition, considered confidential by the market research firm that compiled it, as well as by GTE. GTE paid for this information and it has substantial commercial value to the market research firm.

Ms. Martin plans to include this third-party research data in one of her exhibits at the hearing (described as "PNR competitive data" in the prehearing stipulation). In addition, because one of the central issues in this proceeding is the level of local competition, GTE expects that examination of Company witnesses by both GTE and Commission lawyers at the hearing will lead to the disclosure of competitively sensitive GTE-confidential information.

GTE has not publicly disclosed the confidential information at issue and closely guards it within the company. All of the confidential information is competitively sensitive in that GTE's competitors could use it to tailor their entry and marketing strategies to help them successfully compete against GTE. Conferring this artificial advantage upon competitors would disrupt the fair and efficient functioning of the telecommunications marketplace, to the ultimate detriment of the consumer.

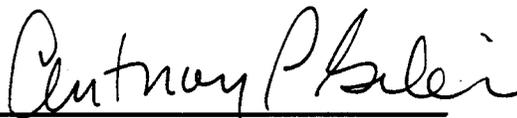
The Florida Rules of Civil Procedure allow a party to move for a protective order to ensure that "a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way." (F.R.Civ.P. 1.280(c).) All of the information GTE seeks to protect from public disclosure is confidential research and/or commercial information. GTE thus seeks an order limiting its disclosure in the following ways: (1) the deposition transcripts of Ms. Martin and Ms. Tuttle (or at least the confidential portions designated by GTE) should be sealed and protected from public disclosure; (2) Ms. Martin's exhibit disclosing

confidential market share information and third-party research should also be placed under seal; and (3) the oral testimony of Ms. Martin and Ms. Tuttle should be received in the presence of only Commission, Staff, and GTE personnel, as well as BellSouth personnel who have executed a protective agreement with GTE; and (4) those portions of the hearing transcript containing GTE-confidential information should be placed under seal.

The confidential information at issue is the kind of information for which the Commission typically grants protection from public disclosure under its confidentiality procedures. GTE is not familiar with any such procedures at DOAH, but has proposed measures it believes will meet the objective of protecting its confidential information from public disclosure. If the Judge believes that objective can better be met with other measures, then GTE asks her to issue a protective order embodying these alternative measures.

Respectfully submitted on April 17, 2000.

By:



*on* Kimberly Caswell  
Post Office Box 110, FLTC0007  
Tampa, Florida 33601  
Telephone: 813-483-2617

Attorney for GTE Florida Incorporated

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Motion for Protective Order in Case Nos. 99-5368-RP and 99-5369-RP were sent via U.S. mail on April 17, 2000 to:

Martha Brown, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

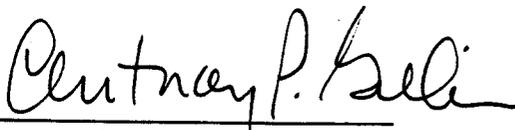
Mary Anne Helton, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

David E. Smith, Director of Appeals  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

John Rosner, Esq.  
Joint Administrative Procedures Committee  
Florida Legislature  
600 South Calhoun Street, Room 120  
Tallahassee, FL 32399-1300

Michael P. Goggin, Esq.  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Room 400  
Tallahassee, FL 32301

Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

  
\_\_\_\_\_  
Kimberly Caswell